

STATE OF NEW HAMPSHIRE INTRA-DEPARTMENT COMMUNICATION

DATE: October 18, 2016

FROM:  Matt Urban
Wetlands Program Manager

AT (OFFICE): Bureau of Environment

SUBJECT: NH Wetlands Bureau Permit #2016-01493
Corps Permit #NAE-2016-01870
Stewartstown, 16312

TO: David Scott, Bureau of Bridge Design

Forwarded herewith, for your files and further use as appropriate, is a copy of the subject Army Corps of Engineers (ACOE) confirmation of authorization of the New Hampshire State Programmatic General Permit. Please attach this Army Corps of Engineer's confirmation letter to the New Hampshire Wetlands Bureau Permit.

Environmental Coordinator: Please find enclosed a copy of a *Compliance Certification Form*. Please submit the *Compliance Certification Form* to the ACOE within one month of the completion of work.

If you have any questions please contact me at 271-3226.

MRU:sel
Encl.
BOE Original
Randy Talon, Environmental Coordinator
Jason Tremblay, Bureau of Bridge Design
Rebecca Martin, Bureau of Environment



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

October 14, 2016

Regulatory Division
CENAE-R-PEC
Permit Number: **NAE-2016-01870**

New Hampshire Department of Transportation #16312
Attn: Matt Urban (murban@dot.state.nh.us)
P.O. Box 483
Concord, New Hampshire 03302

RECEIVED
BUREAU OF ENVIRONMENT

OCT 17 2016

NH DEPARTMENT OF
TRANSPORTATION

Dear Applicant:

This is to inform you that we have reviewed your application to conduct activities as described on the attached NH Permit No. 2016-001493, dated August 10, 2016.

Based on the information you provided to the New Hampshire Wetlands Bureau, we have determined that your project, which may include a discharge of dredged or fill material into waters or wetlands, will have only minimal individual or cumulative environmental impacts on waters of the United States, including wetlands. Therefore, this work is authorized under the attached Federal permit known as the New Hampshire Programmatic General Permit (PGP). This work must be performed in accordance with the terms and conditions of the PGP.

You are responsible for complying with all of the PGP's requirements. Please review the attached PGP carefully to familiarize yourself with its contents. You should ensure that whoever does the work fully understands the requirements and that a copy of the permit document is at the project site throughout the time the work is underway. Also, see a copy of the PGP at: <http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/NewHampshireGeneralPermit.aspx>

This authorization expires on August 3, 2017 unless the PGP is modified, suspended, or revoked before that. You must complete the work authorized herein by that date. If you do not, you must contact this office to determine the need for further authorization before continuing the activity. We recommend that you contact us *before* this authorization expires to discuss a time extension or reissuance of the authorization.

If you change the plans or construction methods for work within our jurisdiction, please contact us immediately to discuss modification of this authorization. This office must approve any changes before you undertake them.

This authorization requires you to complete and return the enclosed Compliance Certification Form within one month following the completion of the authorized work.


This authorization presumes that the work as described above and as shown on your plans noted above is in waters of the U.S. Should you desire to appeal our jurisdiction, please submit a request for an approved jurisdictional determination in writing to this office.

This permit does not obviate the need to obtain other Federal, state or local authorizations required by law, including those listed in the PGP. Performing work not specifically authorized by this determination or failing to comply with all the terms and conditions of the PGP may subject you to the enforcement provisions of Corps regulations.

We continually strive to improve our customer service. In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at http://www.nae.usace.army.mil/reg/Customer_Service_Survey.pdf.

If you have questions concerning this, please contact Christopher R. Marron of my staff at (978) 318-8977, (978) 318-8335/8338, (800) 343-4789, or, if calling from within Massachusetts, (800) 362-4367.

Sincerely,


Frank J. DelGiudice
Chief, Permits & Enforcement Branch
Regulatory Division

Enclosures

Copies Furnished:

New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord, New Hampshire 03302-0095 Attn: Mr. Collis Adams (collis.adams@des.nh.gov)

New Hampshire Department of Environmental Services, 29 Hazen Drive, Concord New Hampshire 03302-0095 Attn: Ms. Elizabeth Knowland (elizabeth.knowland@des.nh.gov)



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

August 10, 2016

Matt Urban
NH Dept. of Transportation
PO Box 483
Concord, NH 03302-0483

RE: NH Dept. of Transportation- - File # 2016-01493 - Stewartstown
Route 145

Dear Mr. Urban:

The Department of Environmental Services (DES) Wetlands Bureau has concluded its review of file 2016-01493. DES issues this approval notice for the application to: Replace bridge on NH Route 145 over Bishop Brook, widening the span from 36 ft. to 50 ft., replace a culvert with a 24 in. culvert and construct swales to treat stormwater impacting 9,605 sq. ft. (4,185 sq. ft. temporary) of riverine and palustrine wetlands. NHDOT project #16312

Compensatory mitigation includes a one-time payment of \$22,800.00 to the Aquatic Resource Mitigation Fund. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.. The application has been deemed eligible for payment into the Aquatic Resource Mitigation fund as the form of compensatory mitigation.

The decision to approve this application was based on the following conditions being met:

1. All work shall be in accordance with plans by NHDOT Bureau of Bridge Design dated 11/15, 23-MAY-16, and 3-MAY-16 as received by the Department on May 26, 2016.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction unless specifically allowed.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack on slopes steeper than 3:1 or netting /matting and pinning on slopes steeper than 2:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching or if temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching, mulching with tack on slopes steeper than 3:1 and stabilized by matting and pinning on slopes steeper than 2:1.

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8. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
 9. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
 10. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
 11. Proper headwalls shall be constructed within seven days of culvert installation.
 12. Work shall be done during low flow.
 13. This approval is not valid until DES receives a one-time payment of \$22,800.00 to the DES Aquatic Resource Mitigation (ARM) Fund.
- The applicant shall remit payment to DES. If DES does not receive payment within 120 days of the date of this approval letter, DES will deny the application.

The decision to approve this application was based on the following findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(p), replacement of a tier 3 stream crossing.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. Although there were some Natural Heritage Bureau records it was determined that none are within the limits of the work area.
6. The project was discussed and coordinated through discussions on May 20, 2015, October 21, 2015 and March 16, 2016 at the monthly Natural Resource Agency Meeting held at the NH Dept. of Transportation.

Mitigation Findings:

7. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
8. The payment calculated for the proposed wetland loss equals \$22,800.00.
9. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

Any person aggrieved by this decision may appeal to the N.H. Wetlands Council ("Council") by filing an appeal that meets the requirements specified in RSA 482-A:10, RSA 21-O:14, and the rules adopted by the Council, Env-WtC 100-200. The appeal must be filed **directly with the Council within 30 days** of the date of this decision and must set forth fully **every ground** upon which it is claimed that the decision complained of is unlawful or unreasonable. Only those grounds set forth in the notice of appeal can be considered by the Council.

Information about the Council, including a link to the Council's rules, is available at <http://nhec.nh.gov/> (or more directly at <http://nhec.nh.gov/wetlands/index.htm>.) Copies of the rules also are available from the DES Public Information Center at (603) 271-2975.

This permit is contingent on receipt of a one time payment of \$22,800.00 dollars to the DES Aquatic Resource Mitigation (ARM) Fund. **The payment should be received after the 30-day reconsideration period or after September 9, 2016. If the payment is not received by DES by December 8, 2016 or 120 days from the approval decision, DES will deny the application. Please include a copy of this letter with the payment.**

If you have any questions please contact me at (603) 271-4059 or via e-mail, lori.sommer@des.nh.gov.

Sincerely,

A handwritten signature in black ink, reading "Gino Infascelli". The signature is fluid and cursive, with the first name "Gino" and last name "Infascelli" clearly distinguishable.

Gino Infascelli
Public Works Supervisor
DES Wetlands Bureau

cc: Stewartstown Conservation Commission
Stewartstown Board of Selectmen
Stewartstown Municipal Clerk



**US Army Corps
of Engineers®**
New England District

(Minimum Notice: Permittee must sign and return notification
within one month of the completion of work.)

COMPLIANCE CERTIFICATION FORM

Permit Number: NAE-2016-01870

Project Manager Christopher R. Marron

Name of Permittee: New Hampshire Department of Transportation

Permit Issuance Date: 10/14/2016

Please sign this certification and return it to the following address upon completion of the activity and any mitigation required by the permit. You must submit this after the mitigation is complete, but not the mitigation monitoring, which requires separate submittals.

* MAIL TO: U.S. Army Corps of Engineers, New England District *
* Permits and Enforcement Branch C *
* Regulatory Division *
* 696 Virginia Road *
* Concord, Massachusetts 01742-2751 *

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above referenced permit was completed in accordance with the terms and conditions of the above referenced permit, and any required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Printed Name

Date of Work Completion

(_____)_____
Telephone Number

(_____)_____
Telephone Number